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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ANTHONY LUNA,

12 Plaintiff,

13 vs.

14 SEARS LIFE INSURANCE COMPANY, A
15 Corporation; DOES 1-20,

16 Defendant.
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CASE NO. 07cv0999 DMS CAB

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**
[Doc. 24]

18 Pending before the Court is Defendant's motion for summary judgment. The Court heard oral
19 argument on November 9, 2007. Gordon Churchill and Raul Cadena appeared on behalf of Plaintiff;
20 and Peter Klee and Seth Friedman appeared on behalf of Defendant. Thereafter, Plaintiff requested
21 leave to file a supplemental opposition, and Defendant opposed the request (Doc. 24).

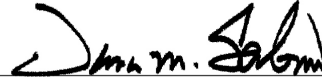
22 The Court requests supplemental briefing on the following issues: (1) On what date was
23 Defendant first aware of (a) Plaintiff's identity, and (b) that Plaintiff was a beneficiary under the
24 Policy? (2) When, if ever, did Plaintiff complete a Claim Form? (3) Assuming Defendant could not
25 have acted in bad faith without knowing Plaintiff's identity as a beneficiary, is summary judgment
26 appropriate on the issue of whether Defendant acted in bad faith between the time it became aware
27 Plaintiff was a beneficiary and the date of payment of benefits to Plaintiff?

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1 The parties' briefs shall not exceed 10 pages in length and shall be filed on or before November
2 26, 2007.

3 **IT IS SO ORDERED.**

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5 DATED: November 15, 2007

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7 HON. DANA M. SABRAW
8 United States District Judge
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